

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JAMES D. SMITH,

Plaintiff,

No. C 12-02463 JSW

v.

OFFICE OF THE ATTORNEY GENERAL,  
ET AL.,

Defendants.

**AMENDED ORDER**

Due to the multiple amended complaints filed in this matter and in order to clarify, the Court HEREBY ORDERS as follows:

- (1) the operative complaint is the **third** (not second) amended complaint received by the Court on August 24, 2012 (docket no. 35), which shall be deemed filed as of that date;
- (2) Defendants' prior motion to dismiss is rendered moot by the filing of an amended complaint (docket no. 18);
- (3) Defendants' responsive pleading is due no later than 14 days after service of the second amended complaint;
- (4) Plaintiff's motion for summary judgment and attendant filings are mooted by the filing of a second amended complaint (docket nos. 19 and 36);
- (5) Plaintiff may re-notice a consolidated motion for hearing on a date available on the Court's calendar and no less than 35 days out from filing of the motion;

(6) the case management conference, scheduled for September 14, 2012 at 1:30 p.m. is premature considering the state of the pleadings. Therefore, the initial case management conference is VACATED and shall be reset by further order, if necessary. This moots Defendants' motion to continue the case management conference (docket no. 30).

**IT IS SO ORDERED.**

Dated: September 7, 2012

  
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JEFFREY S. WHITE  
UNITED STATES DISTRICT JUDGE